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MAR 02 2010
OFFICE OF PETITIONS

In re Patent No. 7,480,910 : DECISION ON REQUEST FOR
KUWAMOTO et al. : RECONSIDERATION OF
Issue Date: January 20, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 09/875,549 : NOTICE OF INTENT TO ISSUE
Filed: June 6, 2001 : CERTIFICATE OF CORRECTION
Atty Docket No. 07844-731001 :

This is a decision on the petition filed on March 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred eighty-two (882) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent** that the term of the above-identified patent is extended or adjusted by nine hundred thirty-nine (939) days.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 7, 2004, and ends on October 10, 2005, the day before the RCE was filed, and is 427 (not 428) days. See 35 U.S.C. 154(b)(1)(B)(i). Moreover, the Office has determined that there are zero (0) days of overlap, not 58 days as indicated by patentee. As such, the patent term adjustment is 939, not 882 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a

certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The required fee of \$200.00 pursuant to 37 CFR 1.18(e) will be charged to the Deposit Account as authorized.

This matter is being referred to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred thirty-nine (939) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,480,910 B1

DATED : Jan. 20, 2009

DRAFT

INVENTOR(S) : Kuwamoto et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 512 days

Delete the phrase "by 512 days" and insert – by 939 days--